IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No. 3201 of 2007.

Smt. Sushila Ramesh Desavare ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr N. G. Bane, Advocate for the applicant.

Mr Rajesh More,A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 8TH OCTOBER, 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused the application and material available on record.

3. The applicant is seeking bail under Section 439 of the Cr.P.C. in C.R. No.I-484/2006 registered with Ambarnath Police Station, for the offence punishable under Sections 420, 504, 506 of the I.P.C.

4. The F.I.R., registered on the basis of a complaint lodged by one Chetan Ashok Waghmare. in which it was alleged that the complainant has stated that the present applicant told him that he should give Rs. 1,50,000/- and she would get him a job in State Bank of India as

a peon. However, though she took the amount, she did not get him a job. It is the prosecution case that the applicant has thus cheated seven other persons whose statements have been recorded including that of one Mahajan. The said Mahajan has stated that after giving money, the applicant gave him a document wherein it was stated that Mahajan was called for interview by the Sales Tax Department. Thereafter, the applicant also gave him a letter of appointment as a Peon in the school at Vikroli and also a letter of appointment as a Lab Assistant in a school at Shahpur. It is the prosecution case that the interview letter and the appointment letters were all forged documents.

5. Learned counsel for the applicant-accused submits that investigation in the present C.R. is completed and the charge-sheet has already been filed. He thus, submits that the applicant is entitled for bail.

6. Learned A.P.P. submits that if the applicant is released on bail, possibility of committing criminal offence by him cannot be ruled out. He, thus, submits that no bail should be granted to the present applicant.

7. Having heard both parties, no useful purpose would be served by detaining the applicant in custody till the trial is over. However, while releasing him on bail, certain stringent conditions will serve ends of justice.

8. In the above view of the matter, I am of the considered view that on following terms and conditions the applicant be released on bail:-

a] The applicant arrested in connection with C.R.No.I-484 of 2006 registered with Ambarnath Police Station,under Sections 420, 504, 506, of the I.P.C. shall be enlarged on bail subject to furnishing a personal bond of Rs. 25,000/- with one local solvent surety in the like amount.

b] The applicant shall report to above Police Station once in a week i.e. on every Saturday between 3.00 to 5.00 p.m.till the conclusion of the trial.

c] The order of bail will be given effect only after the applicant furnish

to the Investigating Officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating Officer.

d] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

e] The applicant shall co-operate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

f] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

g] Breach of any of these conditions may result in cancellation of this order.

9. Application is disposed of in above terms.

(V.C. DAGA,J.)